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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,801

03/01/2005

Gerard Delegeue

Q85942

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23373 7590 05/21/2008
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

BUI, BRYAN P

ART UNIT

PAPER NUMBER

2153

MAIL DATE

DELIVERY MODE

05/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/522,801</p>	<p>Applicant(s) DELEGUE ET AL.</p>	
	<p>Examiner BRYAN P. BUI</p>	<p>Art Unit 2153</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 7 and 9-14.
Claim(s) withdrawn from consideration: 1-6 and 8.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
(See Continuation Sheet)

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Glenton B. Burgess/
Supervisory Patent Examiner, Art Unit 2153

Continuation of 11: Applicant canceled claim 8 which is previously rejected under 35 U.S.C. 103(a) as being unpatentable over Glitho(US 6,199,066 B1) in view of Laiho(US 6,097,942), and incorporated its elements into the newly amended claims 7 and 12 to overcome the rejection of claims 7 and 12 under 35 U.S.C. 102(b) as being anticipated by Glitho(US 6,199,066 B1). However, this amendment does not place the application in condition for allowance because:

Regarding claims 7 and 12, applicants asserts on page 11 that "the elements of claim 8 are not obvious over Glitho in view of Laiho, as both Glitho and Laiho, taken alone or in combination, fail to teach the elements of claim 8", then argues on page 12 that "Laiho does not teach assigning group identifiers to basic services corresponding to a number of groups of basic services, as cited in claim 8. Laiho instead describes assigning identifiers to groups of subscribers, not services". Examiner respectfully disagrees with applicant's assertion of the prior art and would like to emphasize that Laiho does, in fact, teach the claimed feature of "assigning a group identifier to each of the basic services of the group of basic services". Examiner respectfully refers applicant to Figure 2 of Laiho, wherein "Service Group "A" ID"(element 36) , "Group A Services"(element 52) and "Group B Services"(element 60) have been indicated. Furthermore, Laiho clearly mentioned about "Service Group Identifier" on column 6, lines 12-54 and column 11, lines 1-20 together with Figure 13. Applicant is advised to read and consider the cited references more thoroughly and carefully. For this reason, applicant's arguments are not persuasive.

Regarding claims 10 and 13, applicant asserts on page 13 that Dobbins does not teach "rendering the basic services of the group inactive when at least one of the basic services of the group of basic services becomes unavailable". Examiner respectfully disagrees and refers applicant to the Abstract of Dobbins in which "a distributed call rerouting service is provided wherein if a link("basic service") on an active path ("group of basic services") fails ("inactive") , each switch receives a topology change notification and unmaps any connection involving the failed link" (lines 15-18: "emphasis added"). Furthermore, applicant continues to argue on page 14 Dobbins fails to teach any organizational system as described that could be equated with "a group of basic services" and Dobbins does not describe any aspect in which the connection-oriented services or the network switches and nodes are organized into groups of services. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding claims 9, 11 and 14, applicant merely states those claims are allowable based on their dependencies and did not provide any arguments in substance.